

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 532

Introduced by Assembly Member V. Manuel Pérez

February 15, 2011

An act to add Section 52052.7 to the Education Code, relating to pupil assessments.

LEGISLATIVE COUNSEL'S DIGEST

AB 532, as amended, V. Manuel Pérez. Pupil assessments.

Existing law, the Public Schools Accountability Act of 1999, provides a state assessment program for schools, an intervention program for low-performing schools, and a reward system for high-achieving schools, as specified.

This bill would require California's assessments to be valid, reliable, and comparable for pupils who are ~~limited-English-proficient~~ *limited English proficient* and for pupils with developmental disabilities. The bill would require any primary language assessment developed by the State Department of Education and administered to limited-English-proficient pupils, as identified pursuant to existing law, to be included in the state's assessment system, or in any successor system, and in any measure or index developed or used for the state's federal and state accountability system and any successor system. The bill would also require any successor system to the state's assessment system adopted on or after the effective date of this act to include modifications and accommodations for limited-English-proficient pupils,

as determined by the Superintendent of Public Instruction. The bill would require, if California joins a national testing consortium as a governing state, that the Superintendent recommend to the consortium that a state assessment system include modifications to achievement tests in order to eliminate linguistic complexity.

The bill would require any advisory committee, work group, task force, and technical assistance group *in existence on or after July 1, 2012*, that provides recommendations to the Superintendent and the State Board of Education on future state and federal assessment and accountability systems to make specified determinations. The bill would require the testing contractor chosen for the purpose of developing the primary language assessments to report to the state board in writing as to how certain requirements regarding validity, reliability, and comparability were met.

The bill would make these provisions operative on July 1, 2012.

This bill would also make various findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
3 (1) The federal No Child Left Behind Act of 2001 (20 U.S.C.
4 Sec. 6301 et seq.) requires states to test all pupils in a valid and
5 reliable manner and requires, to the extent practicable, that pupils
6 with limited English proficiency be tested in the language and
7 form most likely to yield accurate data on their academic subject
8 area knowledge.
9 (2) Approximately one of every four pupils enrolled in
10 California's public schools is identified as a pupil with limited
11 English proficiency.
12 (3) The current academic assessment system does not allow
13 pupils with limited English proficiency to accurately demonstrate
14 their abilities in academic subject areas.
15 (4) Exclusive reliance on academic assessments designed for
16 native English speakers to gauge the academic progress of pupils
17 with limited English proficiency violates standards for educational
18 testing established by recognized national educational institutions,
19 including the American Educational Research Association, the

1 American Psychological Association, and the National Council
2 on Measurement in Education.

3 (5) Valid and reliable academic assessment data is critical to
4 the education accountability system.

5 (6) An accountability system that would yield more accurate
6 data on the academic ability of pupils with limited English
7 proficiency is needed for instructional use and to meet federal
8 requirements.

9 (7) Local educational agencies should not experience negative
10 consequences solely based on the scores of recent immigrant pupils
11 on tests that do not provide valid and reliable diagnostic
12 information about what these pupils know and can do in academic
13 subject areas.

14 (b) California's current assessment and accountability system
15 will sunset in 2013 and the development of a new generation of
16 assessments aligned to the recently approved common core
17 academic content standards is occurring at the federal level. Thus,
18 now is the time to comprehensively address the issue of valid and
19 reliable assessments for limited-English-proficient pupils.

20 (c) It is therefore the intent of the Legislature to bring the system
21 of assessing the academic progress of pupils with limited English
22 proficiency into alignment with the requirements of the federal
23 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
24 including the requirement that states test all pupils in a valid and
25 reliable manner and, to the extent practicable, in the language and
26 form most likely to yield accurate data on academic ability in
27 academic subject areas.

28 SEC. 2. Section 52052.7 is added to the Education Code, to
29 read:

30 52052.7. (a) California's state assessments shall be valid,
31 reliable, and comparable for pupils who are
32 limited-English-proficient and for pupils with developmental
33 disabilities, and the provision of accommodations shall enable
34 their participation in these state assessments pursuant to the core
35 assurances of the federal American Recovery and Reinvestment
36 Act of 2009 (Public Law 111-5).

37 (b) If California joins a national testing consortium as a
38 governing state, the Superintendent shall recommend to the
39 consortium that a state assessment system include modifications
40 to ~~achievements~~ *achievement* tests in order to eliminate linguistic

1 complexity, to the extent practicable. The proposed modifications
2 shall be based upon research and be designed to maintain the rigor
3 of the test.

4 (c) Any successor system to the state assessment system adopted
5 on or after the effective date of this section shall include
6 accommodations and modifications for limited-English-proficient
7 pupils that will allow for meaningful participation in the English
8 language assessments and that address the unique linguistic and
9 sociocultural needs of the limited-English-proficient pupil without
10 altering the test construct. The Superintendent, in consultation with
11 persons with demonstrated experience in developing academic
12 assessments specific to English learners, shall determine the
13 accommodations and modifications used in any successor system.

14 (d) (1) Any primary language assessment developed by the
15 department and administered to pupils identified as
16 limited-English-proficient, pursuant to subdivision (m) of Section
17 52163 and Sections 52164.1 and 60810, shall be included in the
18 state's assessment system, or in any successor system, and shall
19 be included in any measure or index that is developed or used for
20 the purposes of the state's federal and state accountability system
21 or any successor system.

22 (2) In addition to being identified as limited-English-proficient
23 pursuant to subdivision (m) of Section 52163 and Sections 52164.1
24 and 60810, limited-English-proficient pupils who either receive
25 instruction in their primary language or have been enrolled in a
26 school in the United States for less than 12 months, shall be
27 authorized to take the primary language assessment.

28 (e) (1) Any advisory committee, work group, task force, or
29 technical assistance group ~~required by the Legislature or the~~
30 ~~Governor, or established by the Superintendent or state board for~~
31 ~~the purpose of providing~~ *that is in existence on or after July 1,*
32 *2012, and is either required by the Legislature or the Governor,*
33 *or established by the Superintendent or the state board, to provide*
34 recommendations to the Superintendent and the state board on the
35 future state assessment and accountability systems and federal
36 accountability system; shall determine all of the following:

37 (A) How to include primary language assessments and their
38 scores in the state's assessment system and any successor
39 assessment system and in the state and federal accountability
40 system and any successor accountability system.

1 (B) How to modify the state's successor assessment system as
2 specified in subdivision (b).

3 (C) How to include the accommodations and modifications in
4 the state's successor assessment system as specified in subdivision
5 (c).

6 (D) How to provide data on pupils who are English learners,
7 their program of instruction, and their English proficiency level
8 as determined by the California English Language Development
9 Test.

10 (E) How to provide disaggregated scores, based on
11 limited-English-proficient status, English language proficiency
12 levels, English-only pupils, fluent-English-proficient pupils, and
13 limited-English-proficient pupils who have been redesignated as
14 fluent-English-proficient.

15 (2) Any group identified in paragraph (1) shall include persons
16 with demonstrated expertise in developing academic assessments
17 specific to English learners and persons with demonstrated
18 experience in research and data specific to English learners.

19 (f) The primary language assessments developed pursuant to
20 this section shall meet the requirements regarding validity,
21 reliability, and comparability as specified by the testing standards
22 jointly developed by the American Psychological Association, the
23 American Educational Research Association, and the National
24 Council on Measurement in Education. The testing contractor
25 chosen for the purpose of developing the primary language
26 assessments shall report to the state board in writing as to how
27 these requirements have been met.

28 (g) This section shall become operative on July 1, 2012.